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OFFICE OF PETITIONS

In re Application of :
Joshua Dickinson Kraft :
Application No. 09/785,757 : **DECISION ON PETITION**
Filed: February 20, 2001 :
Attorney Docket No. JDK2000-002 :

This is a decision on the petition under 37 CFR 1.137(b), received June 5, 2007, which, in view of the evidence submitted, is being treated as having been received on December 8, 2006.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

This application was held abandoned for failure to timely respond to the final Office action of February 13, 2006, which set a three (3) month shortened statutory period for reply. A reply was due on or before May 13, 2006. A Notice of Abandonment was mailed on October 23, 2006.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C).

The instant petition lacks item (1) above. In this regard, the request for continued examination indicates that the submission is the filing of a previous amendment on February 13, 2006. However, the record fails to show receipt of this amendment. Accordingly, before revival of this application can be effected, the submission as required by 37 CFR 1.114 must be submitted.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
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 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

The renewed petition and submission may also be filed electronically through EFS.

To expedite processing, petitioner may wish to notify the undersigned of the filing of the renewed petition and submission to the outstanding Office action of February 13, 2006.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3218.


Frances Hicks
Petitions Examiner
Office of Petitions